REMARKS

Claims 1-3, 5-7, 10-20, 22-26, 29-37, and 39-50 are pending in the present application. Claims 4, 8, 9, 21, 27, 28, and 38 were previously canceled in a Response to Office Action dated May 19, 2005. Claims 1, 25, and 42 are amended. Claims 44-50 are added. Reconsideration of the claims is respectfully requested.

I.   **35 U.S.C. § 112, second paragraph, Claims 1, 25, and 42**

The Examiner has rejected claims 1, 25, and 42 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicant regards as the invention. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

> Regarding claims 1, 25 and 42, there is unclear that "a third estimate" and "the third estimate" are the same estimate or they are difference estimates. Correction is required.

Office Action dated September 21, 2005, page 2.

Amended independent claim 1 of the present invention, which is representative of amended independent claims 25 and 42, reads as follows:

> 1.   A method of generating an estimate of an amount of time required to complete a content request for content to be transmitted over a network, comprising:
>
> receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device, wherein the first estimate includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content;
>
> generating a second estimate of an amount of time to receive the requested content over a communication link from the content source device;
>
> *generating a third estimate of a total amount of time to complete the content request based on the first and second time estimates, wherein the third estimate includes a minimum, maximum, and average total amount of time to complete the content request;*
>
> generating a graphical representation of the third estimate, wherein the graphical representation includes an indicator for each of the minimum, maximum, and average total amount of time to complete the content request; and

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outputting the graphical representation on a display device.
[Emphasis added].

The Examiner states that it is unclear whether "a third estimate" is the same as, or different from, "the third estimate" recited on emphasized lines 11-14 in claim 1 above. "A third estimate" is the same time estimate as "the third estimate" recited in claim 1 above. "A third estimate" introduces for the first time in claim 1 a time estimate that represents a total amount of time to complete a content request. "A third estimate" is based upon previously introduced first and second time estimates on lines 4-7 and 8-10 of claim 1, respectively. "The third estimate" on line 13 further defines "a third estimate" on line 11 by reciting that the third estimate includes a minimum, maximum, and average total amount of time to complete the content request. In other words, as amended, claim 1 recites a third estimate of a total amount of time to complete the content request, which is based upon the first and second time estimates, is generated and includes a minimum, maximum, and average total amount of time to complete the content request. Consequently, "a third estimate" on line 11 and "the third estimate" on line 13 refer to the same total amount of time to complete the content request estimate as recited in amended claim 1. Accordingly, the rejection of amended claims 1, 25, and 42 under 35 U.S.C. § 112, second paragraph, has been overcome.

II.   35 U.S.C. § 102, Anticipation, Claims 1-3, 5-7, 10-14, 16-20, 22-26, 29-33, 35-37, and 39-43.

The Examiner has rejected claims 1-3, 5-7, 10-14, 16-20, 22-26, 29-33, 35-37, and 39-43 under 35 U.S.C. § 102, as being anticipated by Chmaytelli et al. (US Patent No. 20020194325)("Chmaytelli"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v.*

Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not shown in the cited reference as arranged in the claims.

Amended independent claim 1 of the present invention, which is representative of amended independent claims 19, 25, 36, 42, and 43, with regard to similarly recited subject matter, reads as follows:

> 1.   A method of generating an estimate of an amount of time required to complete a content request for content to be transmitted over a network, comprising:
>   receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device, wherein the first estimate includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content;
>   generating a second estimate of an amount of time to receive the requested content over a communication link from the content source device;
>   generating a third estimate of a total amount of time to complete the content request based on the first and second time estimates, wherein the third estimate includes a minimum, maximum, and average total amount of time to complete the content request;
>   generating a graphical representation of the third estimate, wherein the graphical representation includes an indicator for each of the minimum, maximum, and average total amount of time to complete the content request; and
>   outputting the graphical representation on a display device.

With regard to claim 1, the Examiner states:

> Regarding claims 1, 25, and 42, Chmaytelli discloses: a method, a computer program product and an apparatus for generating estimate of an amount of time required to complete a content request for content to be transmitted over a network, comprising: receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device (paragraphs 0047, 0051, Chmaytelli) wherein the first estimate includes a minimum, maximum and average amount of time to retrieve or prepare the request content (paragraphs 0069, 0071, Chmaytelli);
>   generating a second estimate of an amount of time to receive the requested content over a communication link from the content source device (paragraph 0054);
>   generating a third estimate of total amount of time to complete the content request based on the first and second time estimates wherein the third estimate includes a minimum, maximum and average amount of time

to retrieve or prepare the requested content (paragraphs 0056, 0069, 0071, Chmaytelli).

    generating a graphical representation of the third estimate wherein the graphical presentation includes an indictor for each of the minimum, maximum and average time of completion for the content request (paragraphs 0060, 0063, 0069, 0071, 0063, 0082, Chmaytelli); and outputting the graphical representation on a display device (paragraph 0060, 0063, Chmaytelli).

Office Action dated September 21, 2005, page 3.

    Chmaytelli teaches a method for estimating and displaying a length of time to download an application program over a network based on calculated data transfer rates. Chmaytelli, page 4, paragraph 0045. The data transfer rate is the rate at which data is transferred over the network. Chmaytelli, page 1, paragraph 0007. The wireless device calculates a data transfer rate for data files that it receives from a server. Chmaytelli, page 4, paragraph 0051. The data files comprise metadata about application programs stored on the server, which may be downloaded into the wireless device. Chmaytelli, page 3, paragraph 0037. Data files include descriptive information regarding the application programs, such as a list of the application programs available, their cost, their size, a description of their content, and/or a short demonstration of how the application performs. Chmaytelli, page 3, paragraph 0038. In addition, the data files include a description of the size of the data file, for example, the number of bytes the data file contains, in order to calculate data transfer rates. Chmaytelli, page 3, paragraph 0039.

    The wireless device calculates three data transfer rates based on the contents of three specific data files. Chmaytelli, page 5, paragraph 0058. The initial data file contains a list of available application programs names. Chmaytelli, page 4, paragraph 0050. The second data file contains a description of a user selected application program contained on the list within the initial data file. Chmaytelli, page 4, paragraph 0053. The third data file contains a demonstration of a user selected application program contained on the list within the initial data file. Chmaytelli, page 4, paragraph 0054. The wireless device calculates each of the three data transfer rates by dividing the size of the data file by the time required to download the data file from the server. Chmaytelli, pages 4 and 5, paragraphs 0052, 0054, and 0056.

A user of the wireless device selects an application program for download after receiving one or more of the three specific data files. Chmaytelli, page 5, paragraph 0067. The server sends information regarding the size of the selected application program to the wireless device. Chmaytelli, page 5, paragraph 0068. The wireless device estimates the length of time to download the selected application program by dividing the size of the selected application program with an average data transfer rate. Chmaytelli, page 6, paragraph 0070. The average data transfer rate is based upon the data transfer rate calculations for the three specific data files previously received by the wireless device. Chmaytelli, pages 5 and 6, paragraph 0069.

In other words, the method of Chmaytelli estimates application program download time by dividing the size of the application program by an average data transfer rate. The average data transfer rate was determined by utilizing previously calculated data transfer rates for three specific data files. The data transfer rates for the three specific data files were calculated by dividing the size of each specific data file by the time required to download each specific data file from the server to the wireless device. Consequently, both the data transfer rate calculation and the application program download estimation are determined by dividing the size of the file or program by a determined download time.

In contrast, claim 1 of the present invention recites a "method of generating an estimate of an amount of time required to complete a content request for content to be transmitted over a network," which includes "receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device." In other words, the present invention recited in claim 1 includes a first time estimate of the amount of time required for the source device to retrieve or prepare the requested content for transmission over the network. Hence, estimation of retrieval or preparation time of the requested content by the source device is required to generate an estimate of an amount of time required to complete the content request as recited in claim 1.

Chmaytelli does not teach receiving an estimate of an amount of time to retrieve or prepare requested content in a content source device as recited in claim 1. Chmaytelli makes no reference to the server retrieving or preparing data files or application programs

for transmission over the network to the wireless device. Consequently, Chmaytelli does not identically teach each and every element recited in claim 1 of the present invention.

Furthermore, because Chmaytelli does not teach receiving an estimate of an amount of time to retrieve or prepare requested content in a content source device as recited in claim 1, Chmaytelli cannot teach that the first estimate also includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content as further recited in claim 1, even though Chmaytelli teaches an average data transfer rate. As shown above, Chmaytelli teaches that the average data transfer rate is the average amount of time required to transfer one or more specific data files relating to available application programs for download from the server to the wireless device, whereas claim 1 recites that the average time estimate is an average amount of time for the source device to retrieve or prepare the requested content for transmission over the network. Therefore, the average data transfer rate taught in Chmaytelli is distinguishable from the average amount of time to retrieve or prepare the requested content as recited in claim 1. Moreover, even if the average data transfer rate taught in Chmaytelli was analogous to the average amount of time to retrieve or prepare the requested content as recited in claim 1, which it is not, Chmaytelli does not teach a minimum or maximum data transfer rate calculation. However, claim 1 recites receiving an estimate that includes a minimum and maximum amount of time to retrieve or prepare the requested content along with the average.

Further, since Chmaytelli does not teach receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device, wherein the first estimate includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content as recited in claim 1, then Chmaytelli cannot teach generating a third estimate of a total amount of time to complete the content request based on the first and second time estimates, wherein the third estimate includes a minimum, maximum, and average total amount of time to complete the content request as further recited in claim 1. Because claim 1 recites that the third estimate is based upon the first and second estimates, Chmaytelli cannot teach the third estimate because Chmaytelli does not teach the first estimate that includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content. In addition, the third

estimate includes a minimum, maximum, and average amount of time to complete the content request. In contrast, Chmaytelli teaches only one selected application program download time estimate.

Additionally, claim 1 recites generating a graphical representation of the third estimate, wherein the graphical representation includes an indicator for each of the minimum, maximum, and average time of completion for the content request. Even though Chmaytelli teaches displaying to the user an estimated time required to download a selected application program (Chmaytelli, page 5, paragraph 0060), Chmaytelli does not teach generating a graphical representation that includes an indicator for each of the minimum, maximum, and average time of completion for the content request as recited in claim 1. Chmaytelli makes no reference to displaying three graphical representations for the estimated download time for the selected application program.

As a result, Chmaytelli does not identically teach each and every element recited in amended claim 1 of the present invention. Accordingly, the rejection of independent claims 1, 19, 25, 36, 42, and 43 as being anticipated by Chmaytelli has been overcome.

In view of the arguments above, amended independent claims 1, 19, 25, 36, 42, and 43 are in condition for allowance. Claims 2-3, 5-7, 10-14, 16-18, 20, 22-24, 26, 29-33, 35, 37, and 39-41 are dependent claims depending on independent claims 1, 19, 25, 36, 42, and 43, respectively. Consequently, claims 2-3, 5-7, 10-14, 16-18, 20, 22-24, 26, 29-33, 35, 37, and 39-41 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught by Chmaytelli.

For example, dependent claims 5 and 6 of the present invention, read as follows:

> 5.   The method of claim 1, wherein the first estimate is generated based on information identifying the processes used to retrieve or prepare the requested content.

> 6.   The method of claim 5, wherein the information includes at least one of an identifier of a program to be used to retrieve or prepare the requested content, a typical execution time for the program, a number of lines of code in the program, and a number of lines of code per second handled by a processor of the content source device.

With regard to claims 5 and 6, the Examiner states:

> Regarding claim 5, all the limitations of his claim have been noted in the rejection of claim 1. In addition, Chmaytelli discloses : wherein the first estimate is generated based on information identifying the processes used to retrieve or prepare the requested content (paragraphs 0051-0052, 0061, Chmaytelli)).

> Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 5. In addition, Chmaytelli discloses : wherein the information includes at least one of an identifier of a program to be used to retrieve or prepare the requested content (paragraphs 0056-0059, Chmaytelli), a typical execution time for the program a number of lines of code in the program, and a number of lines of code per second handled by a processor of the content source device (paragraphs 0074-0075, Chmaytelli).

Office Action dated September 21, 2005, pages 4 and 5.

As shown above, Chmaytelli does not teach receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device as recited in claim 1. Consequently, Chmaytelli cannot teach that the first estimate is generated based on information identifying the processes used to retrieve or prepare the requested content as recited in dependent claim 5. Moreover, because Chmaytelli does not teach that the first estimate is generated based on information identifying the processes used to retrieve or prepare the requested content as recited in dependent claim 5, Chmaytelli cannot teach that the information includes at least one of an identifier of a program to be used to retrieve or prepare the requested content, a typical execution time for the program, a number of lines of code in the program, and a number of lines of code per second handled by a processor of the content source device as recited in dependent claim 6. As a result, Chmaytelli does not teach the features of dependent claims 5 and 6.

As a further example, dependent claim 10 of the present invention, which is representative of dependent claim 29, reads as follows:

> 10.   The method of claim 1, wherein the graphical representation includes associated text, and wherein the associated text is changed from a first text to a second text when the requested content begins to be received from the content source device.

With regard to claim 10, the Examiner states:

> Regarding claims 10 and 29, all the limitations of these claims have been noted in the rejection of claims 1 and 25 above, respectively. In addition, Chmaytelli discloses: wherein the graphical representation includes associated text, and wherein the associated text is changed from a first text to a second text when the requested content begins to be received from the content source device (paragraphs 0063, Chmaytelli).

Office Action dated September 21, 2005, page 5.

Chmaytelli teaches that the wireless device "displays to a user an estimated time required to download the one or more selected application programs" and that the time display may be "represented with a set numerical estimate (such as in minutes or seconds), graphically displayed with a bar graph, and hour-glass or any other visual element, and/or using sound." Chmaytelli, page 5, paragraph 0060. In addition, Chmaytelli teaches that the wireless device may optionally display to the user an application program "download progress gauge" showing the user how much time remains to download the selected application program as it is being downloaded and that the display may be a "numerical or visual estimate." Chmaytelli, page 5, paragraph 0063.

In contrast, claim 10 recites that the graphical representation includes associated text. In other words, text is included in the graphical representation of the third estimate as recited in claim 10. However, Chmaytelli makes no reference to using text in the display of the application program download time estimation. Additionally, since Chmaytelli does not teach that the graphical representation includes associated text as recited in claim 10, then Chmaytelli cannot teach that the associated text is changed from a first text to a second text when the requested content begins to be received from the content source device as further recited in claim 10. Therefore, Chmaytelli does not teach the features recited in dependent claim 10.

As a further example, dependent claim 14 of the present invention, which is representative of dependent claim 33, reads as follows:

> 14. The method of claim 1, wherein the graphical representation represents the third estimate as a combination of the first estimate and the second estimate, wherein a representation of the first estimate in the

graphical representation is different from a representation of the second estimate in the graphical representation.

With regard to claim 14, the Examiner states:

> Regarding claims 14 and 33, all the limitations of these claims have been noted in the rejection of claims 1 and 25 above, respectively. In addition, Chmaytelli discloses: wherein the graphical representation represents the third estimate as a combination of the first estimate and the second estimate, wherein a representation of the first estimate in the graphical representation is different from a representation of the second estimate in the graphical representation (paragraphs 0061, 0063, Chmaytelli).

Office Action dated September 21, 2005, page 6.

As shown above, Chmaytelli does not teach receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device as recited in claim 1. Consequently, Chmaytelli cannot teach that the graphical representation represents the third estimate as a combination of the first estimate and the second estimate as recited in dependent claim 14 because Chmaytelli does not teach the first time estimate recited in claim 1. Furthermore, because Chmaytelli does not teach the first time estimate, Chmaytelli cannot teach that the graphical representation of the first time estimate is different from the graphical representation of the second time estimate as recited in claim 14. Thus, Chmaytelli does not teach the features of dependent claim 14.

Accordingly, in view of the foregoing arguments, the rejection of claims 1-3, 5-7, 10-14, 16-20, 22-26, 29-33, 35-37, and 39-43 as being anticipated by Chmaytelli has been overcome.

III.   35 U.S.C. § 103, Obviousness, Dependent Claims 15 and 34

The Examiner has rejected claims 15 and 34 under 35 U.S.C. § 103 as being unpatentable over Chmaytelli in view of Ording, U.S. Patent No. 2001/0055017 ("Ording"). This rejection is respectfully traversed.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be prima facie obvious,

the prior art must teach or suggest all claim limitations. *In re Royka,* 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In this case, the Examiner has not met this burden because all of the features of these claims are not found in the cited references as believed by the Examiner. Therefore, the combination of Chmaytelli and Ording would not reach the presently claimed invention recited in these claims.

As shown in Section II above, Chmaytelli does not teach or suggest all claim limitations recited in independent claims 1 and 25 of the present invention. In particular, Chmaytelli does not teach or suggest receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device, wherein the first estimate includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content; generating a third estimate of a total amount of time to complete the content request based on the first and second time estimates, wherein the third estimate includes a minimum, maximum, and average total amount of time to complete the content request; and generating a graphical representation of the third estimate, wherein the graphical representation includes an indicator for each of the minimum, maximum, and average total amount of time to complete the content request as recited in claims 1 and 25. These features also are not taught or suggested by Ording.

Therefore, because neither Chmaytelli nor Ording teach or suggest receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device, wherein the first estimate includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content; generating a third estimate of a total amount of time to complete the content request based on the first and second time estimates, wherein the third estimate includes a minimum, maximum, and average total amount of time to complete the content request; and generating a graphical representation of the third estimate, wherein the graphical representation includes an indicator for each of the minimum, maximum, and average total amount of time to complete the content request as recited in claims 1 and 25, the combination of Chmaytelli and Ording cannot teach or suggest these recited features. As a result, dependent claims 15 and 34 of the present invention also are allowable at least by virtue of their dependence upon allowable claims. In addition, these dependent claims also contain additional features not taught or suggested by the combination of Chmaytelli and Ording.

For example, dependent claims 15 of the present invention, which is representative of dependent claim 34, reads as follows:

> 15.   The method of claim 14, wherein the first estimate is represented in a different color than the second estimate.

With regard to claim 15, the Examiner states:

> Regarding claims 15 and 34, all the limitations of these claims have been noted in the rejection of the claims 14 and 33 above, respectively. However, Chmaytelli didn't disclose: wherein the first estimate is represented in a different color than the second estimate. On the other hand, Ording discloses: : wherein the first estimate is represented in a different color than the second estimate (page 3, paragraph 0021, Ording). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step where the first estimate is represented in a different color than the second estimate in the system of Chmaytelli as taught by Ording. The motivation being to enable the system provide the pattern in the progress bar that can be varied such that it changes colors over time or it could very through a progression of gray scale patterns to display the percentage of the content download completed and the time remaining in the progress bar.

Office Action dated September 21, 2005, page 8.

As shown above, Chmaytelli and Ording, neither individually nor in combination, teach nor suggest receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device as recited in independent claims 1 and 25. Hence, Chmaytelli and Ording cannot teach or suggest that the first estimate is represented in a different color than the second estimate as recited in dependent claims 15 and 34 since neither Chmaytelli nor Ording teach or suggest the first estimate recited in independent claims 1 and 25. Therefore, Chmaytelli and Ording do not teach or suggest the feature recited in claims 15 and 34 of the present invention.

Accordingly, the rejection of claims 15 and 34 as being unpatentable over Chmaytelli in view of Ording has been overcome.

IV.   Added Dependent Claims 44-50

Dependent claims 44-50 are added. Support for features of added claims 44-50 may be found in the specification on page 18, line 21 – page 19, line 31. Added

dependent claims 44-50 also are allowable at least by virtue of their dependence upon allowable claims. In addition, these dependent claims also contain additional features not taught or suggested by the cited prior art references used to reject claims 1-3, 5-7, 10-20, 22-26, 29-37, and 39-43 above.

As shown in Section III above, the combination of Chmaytelli and Ording does not teach or suggest all claim limitations recited in independent claim 1 of the present invention, which is representative of independent claims 19, 25, and 36, with regard to similarly recited subject matter. In particular, Chmaytelli and Ording do not teach or suggest receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device, wherein the first estimate includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content; generating a third estimate of a total amount of time to complete the content request based on the first and second time estimates, wherein the third estimate includes a minimum, maximum, and average total amount of time to complete the content request; and generating a graphical representation of the third estimate, wherein the graphical representation includes an indicator for each of the minimum, maximum, and average total amount of time to complete the content request as recited in claims 1.

Added claims 44-50 are dependent claims depending on independent claims 1, 19, 25, and 36, respectively. Consequently, claims 44-50 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught or suggested by the combination of Chmaytelli and Ording.

For example, added dependent claim 44 of the present invention, reads as follows:

44.   The method of claim 3, wherein the table is dynamically updated with each content request by storing a new entry in the table for each content request, and wherein the new entry includes the content request, any parameters attached to the content request, load conditions, and actual elapsed time necessary to retrieve or prepare the requested content.

As shown above, Chmaytelli and Ording do not teach or suggest receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device as recited in independent claim 1. Consequently, Chmaytelli and Ording cannot teach or suggest that a table is dynamically updated with a new entry that includes actual

elapsed time necessary to retrieve or prepare the requested content as recited in added dependent claim 44. Therefore, Chmaytelli and Ording do not teach or suggest this recited feature of claim 44.

As a further example, added dependent claim 45 of the present invention, reads as follows:

> 45.   The method of claim 44, wherein the table is archived to prune out duplicate entries and perform minimum, maximum, and average time calculations offline.

As shown above, Chmaytelli and Ording do not teach or suggest receiving a first estimate of an amount of time to retrieve or prepare requested content in a content source device, wherein the first estimate includes a minimum, maximum, and average amount of time to retrieve or prepare the requested content as recited in independent claim 1. Hence, Chmaytelli and Ording cannot teach or suggest performing minimum, maximum, and average time calculations as recited in added dependent claim 45. Thus, Chmaytelli and Ording do not teach or suggest the features recited in claim 45.

As a further example, added dependent claim 46 of the present invention, which is representative of added dependent claims 47, 49, and 50, reads as follows:

> 46.   The method of claim 45, wherein the table lookup includes a first and second table, and wherein the first table includes one new entry for each content request, and wherein the second table includes one new entry for each unique content request that contains the minimum, maximum, and average time calculations for each unique content request.

Chmaytelli and Ording do not teach or suggest that the table lookup includes a first and second table as recited in added dependent claim 46. In addition, as shown above, Chmaytelli and Ording do not teach or suggest performing minimum, maximum, and average time calculations as recited in added dependent claim 45. As a result, Chmaytelli and Ording cannot teach or suggest minimum, maximum, and average time calculations for each unique content request as further recited in added dependent claim 46. Therefore, Chmaytelli and Ording do not teach or suggest these recited features of claim 46.
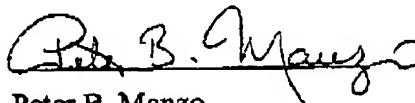
V.   Conclusion

It is respectfully urged that the subject application is patentable over the cited prior art references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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